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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application

Inventors: Christian WENGERTER, et al. Art Unit: 2637

Application No.: 10/501,906

Filed: July 20, 2004

For: CONSTELLATION REARRANGEMENT FOR ARQ TRANSMIT
DIVERSITY SCHEMES

CERTIFICATION UNDER 37 CFR §1.97(e)(1)
AND TRANSMITTAL FEE UNDER 37 CFR 1.17(p)

Assistant Commissioner of Patents
Washington, DC 20231

Dear Sir:

Applicants respectfully request pursuant to 37 CFR 1.97(d)(1) and (2), that the attached Information Disclosure Statement be entered. Please charge the fee of \$180.00 required by 37 CFR 1.17(p) to Deposit Account No. 19-4375.

In fulfillment of 37 CFR 1.97(d)(1) and (2) and 37 CFR 1.97(e)(1), it is hereby certified that each item of information contained in the attached Information Disclosure Statement was first cited in any communication (see the attached copy of a Chinese Office Action dated December 27, 2002) from a foreign patent office in a counterpart foreign application not more than



three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

James E. Ledbetter
Registration No. 28,732

Date: June 1, 2006

JEL/ejw

ATTORNEY DOCKET NO. L7725.04106
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INFORMATION DISCLOSURE STATEMENT

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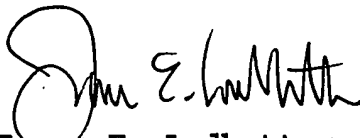
Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the documents listed on the attached Form PTO 1449. All of these references were cited in a Chinese Office Action dated March 3, 2006 (copy attached). The Wengerter et al. document is already of record (IDS filed December 6, 2004). EP '959 corresponds to CN '605.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and

appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James E. Ledbetter". The signature is stylized with a large, looping initial "J" and a cursive "E".

James E. Ledbetter
Registration No. 28,732

Date: June 1, 2006

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